



**U.S. Department of Justice**  
**Criminal Division**  
Office of Overseas Prosecutorial Development,  
Assistance, and Training (OPDAT)

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Jakarta, 5 Oktober 2023

**Kepada Yth. Ibu Laila Indriyanti Fitria**  
Universitas Indonesia

Hal: **Focus Group Discussion (FGD) Penanganan NPO Dalam Aktivitas Terorisme di Indonesia, Jakarta, 30 November 2023**

Dengan hormat,

Departemen Kehakiman A.S. Kantor Pengembangan, Bantuan dan Pelatihan Kejaksaan Luar Negeri (USDOJ/OPDAT) di Jakarta, bekerjasama dengan *Financial Crime Research Center* (FCRC) akan mengadakan FGD mengenai penanganan NPO dalam Aktivitas Terorisme di Indonesia di **Hotel Fairmont Jakarta** pada tanggal **30 November 2023**. FGD ini ditujukan bagi jaksa, penyidik, analis transaksi keuangan, dan perwakilan dari kementerian lainnya untuk membahas risiko-risiko finansial terkait NPO dan organisasi lainnya. Diskusi akan mencakup bagaimana mengidentifikasi hambatan dan tantangan, praktik terbaik dan cara penanggulangan hambatan tersebut. Terlampir TOR sebagai bahan pertimbangan.

USDOJ/OPDAT Jakarta dengan ini bermaksud untuk mengundang Ibu untuk dapat hadir dalam diskusi ini sebagai narasumber dengan topik "*Best Practices in Countering the Exploitation of NPO.*"

Dikarenakan lokasi kegiatan berada di Jakarta, penginapan tidak disediakan. Untuk memastikan seluruh proses administrasi dan persyaratan Pemerintah A.S. terpenuhi sebelum kegiatan dilakukan, kami memohon agar **konfirmasi kehadiran Ibu** dapat diinformasikan ke **Sdri. Emili** di alamat email [Emili@state.gov](mailto:Emili@state.gov), **HP 08119722515** sebelum tanggal **3 November 2023**. Terima kasih atas perhatian Ibu. Silahkan menghubungi kami jika ada pertanyaan lebih lanjut mengenai kunjungan ini.

Hormat kami,



**Bruce F. Miyake**  
Penasihat Hukum Tetap  
USDOJ OPDAT Jakarta  
Kedutaan Besar A.S. Jakarta

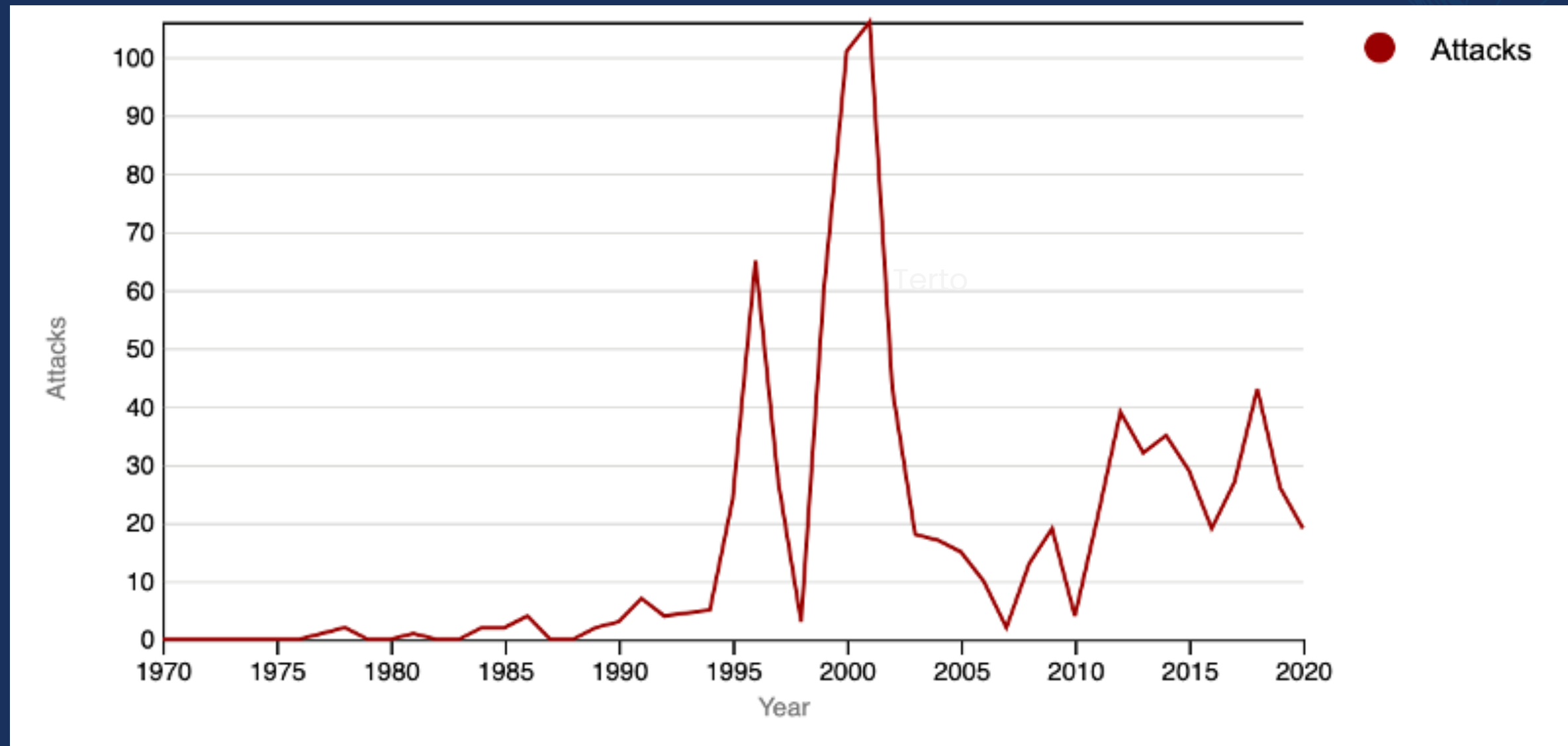
# **BEST PRACTICE IN COUNTERING THE EXPLOITATION OF NPO**

**PRESENTED IN FOCUS GROUP DISCUSSION FOR OPDAT X FCRC**

**LAILA INDRIYANTI FITRIA, M.SI**

# TERRORIST ATTACK IN INDONESIA

When we talk about terrorism – what cross your minds ?



# TERRORIST ATTACK IN INDONESIA

When we talk about terrorism – what cross your minds ?

Several people may argue that terrorism is a type of crime people committed because they being suppressed by the government

Some also may argue that terrorism is a type of crime committed by several religious or cult group



Terrorist act always resulted in **FEAR**

# THE ROLE OF FUNDING IN TERRORISM

Since the business of terrorism is fear and, in order to generate that fear, terrorism, like any other business, require money

Money is required to buy safe-houses, to fund travel, to run training camps, to recruit new terrorists, to pay off officials, to procure weapons, to obtain false documentation and covers for sleeper cells, to promote the cause, and many other ends

Because money is the basic needs any terrorist group need – if the funding is limited so is the scope of the attack. So then the bigger the funding, the bigger the attack



# INDONESIA'S LEGAL REGULATIONS TOWARDS TERRORIST FUNDING

International Convention for the Suppression of the Financing of Terrorism, 1999

Undang-Undang Nomor 8 Tahun 2010 tentang Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang

Undang-Undang Republik Indonesia Nomor 5 Tahun 2018 tentang Perubahan atas Undang-Undang Nomor 15 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 tahun 2002 tentang Pemberantasan Tindak Pidana Terorisme menjadi Undang-Undang

Peraturan Presiden Republik Indonesia Nomor 13 Tahun 2018 tentang Penerapan Prinsip Mengenal Pemilik Manfaat dari Korporasi dalam Rangka Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang dan Tindak Pidana Pendanaan Terorisme

Peraturan Presiden Republik Indonesia Nomor 117 tahun 2015 tentang Perubahan atas Peraturan Presiden Nomor 6 Tahun 2012 tentang Komite Koordinasi Nasional Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang

Peraturan Bersama Nomor 01/PB/MA/II/2015; Nomor 03 Tahun 2015; Nomor 1 Tahun 2015; Nomor B.66/K/BNPT/2/2015; Nomor 01/1.02/PPATK/2/15 tentang Pencantuman Identitas Orang dan Korporasi dalam Daftar Terduga Teroris dan Organisasi Teroris, dan Pemblokiran Secara Serta Merta atas Dana Milik Orang atau Korporasi yang Tercantum dalam Daftar Terduga Teroris dan Organisasi Teroris;

Peraturan Otoritas Jasa Keuangan Republik Indonesia Nomor 23/POJK.01/2019 tentang Perubahan atas Peraturan Otoritas Jasa Keuangan Nomor 12/POJK.01/2017 tentang Penerapan Program Anti Pencucian Uang dan Pencegahan Pendanaan Terorisme di Sektor Jasa Keuangan

# THE IMPACT OF INDONESIA'S VARIOUS LEGAL REGULATIONS TOWARD TERRORIST GROUP FINANCING

One of many reason why even though Indonesia has various legal regulations related to taking action against terrorist financing seems **doesn't really have a big impact** towards preventing the groups to gain money is because the way of the terrorist groups on making and gather money is also **evolving**.

For an example in the early stages of terrorist group in Indonesia, we sees that they gather the money from only the member of the groups (hence **the fund is limited** – so is the act). But then once the group started to do more crimes – or known as fa'i to gather more funds, theyre able to conduct more attacks).

Because money is the basic needs any terrorist group need – if the funding is limited so is the scope of the attack. So then **the bigger the funding, the bigger the attack**.

As an example, in Bali Bombing, the terrorist groups start to get funding from outside of the groups estimated around USD 20.000 which resulted in the biggest bombing in Indonesia

# INDONESIAN ANTI TERRORISM FINANCING LAW

“ ... any person who deliberately provides or collects funds with the aim that they will be used or have reasonable knowledge that they will be used or have reasonable knowledge that they will be used in whole or in part to commit a criminal act of terrorism.. shall be punished by imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years...”

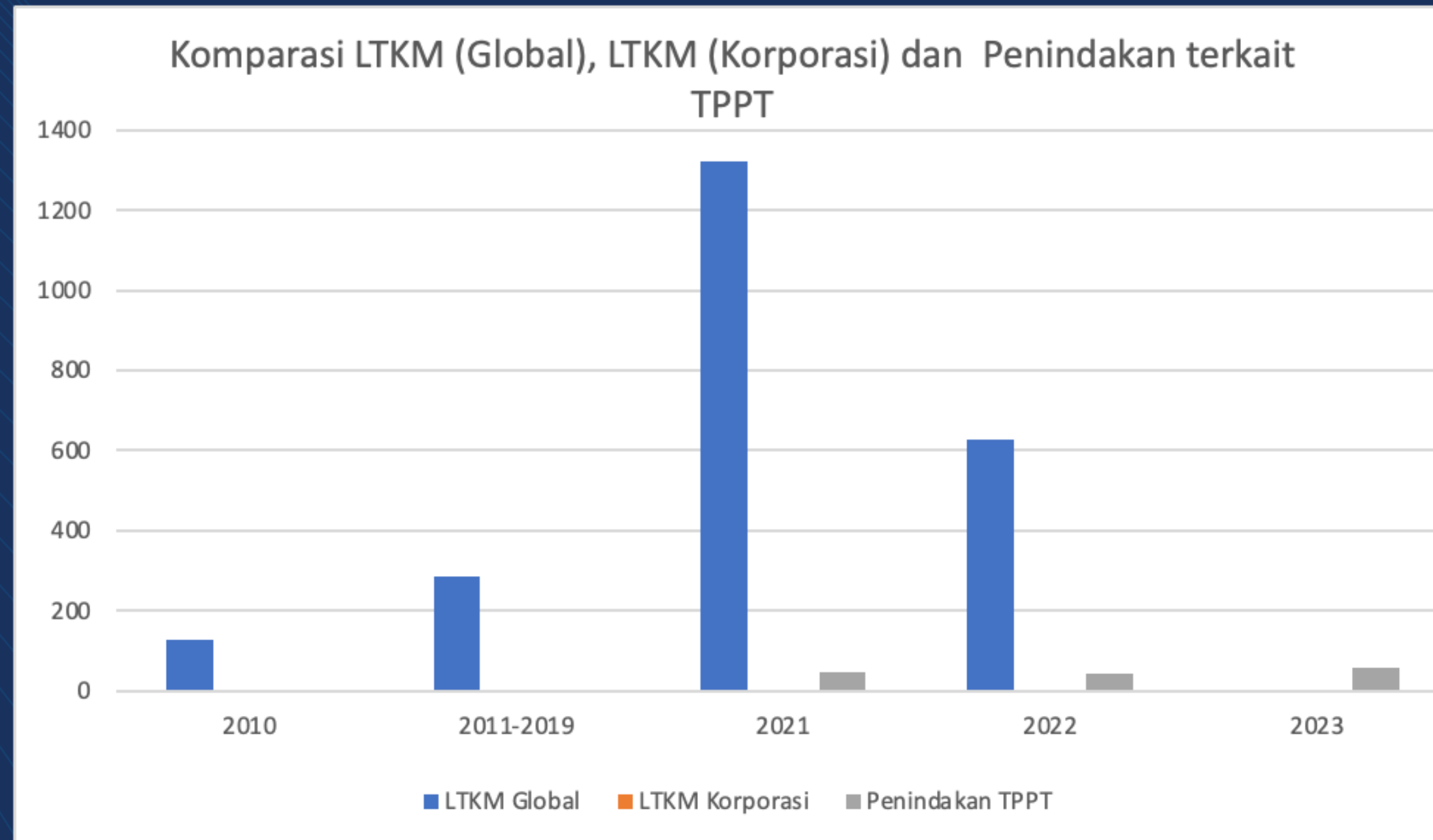
**PASAL 11 PERATURAN PEMERINTAH PENGGANTI  
UU NOMOR 1 TAHUN 2002 TENTANG  
PEMBERANTASAN TINDAK PIDANA TERORISME**

“... Any person who intentionally provides, collects, gives or lends funds, either directly or indirectly with the intention of using them in whole or in part to commit a criminal act of terrorism, a terrorist organization or terrorist shall be punished for committing the crime of financing of terrorism with a maximum imprisonment of 15 (fifteen) years and a maximum fine of Rp. 1.000.000.000,00 (one billion rupiah)...

**PASAL 4 UNDANG UNDANG REPUBLIK  
INDONESIA NOMOR 9 TAHUN 2013 TENTANG  
PENCEGAHAN DAN PEMBERANTASAN TPPT**



# KOMPARASI LTKM (GLOBAL), LTKM (KORPORASI), PENINDAKAN TERKAIT TPPT



THE GRAPHIC SHOWED THAT , THERE WAS A DECREASE IN THE NUMBER OF LAPORAN TRANSAKSI KEUANGAN MENCURIGAKAN (LTKM) RELATED TO CRIMINAL ACTS OF TERRORISM FROM 1321 LTKM TRANSACTIONS IN 2021 TO 627 LTKM TRANSACTIONS IN 2022.

## **INDONESIA'S LEGAL REGULATIONS TOWARDS TERRORIST FUNDING**

If we then review and look at the number of LTKM based on PPATK report, we can see that there is a tendency to decreasing of the number of terrorist financing transactions, especially after the enactment of the Undang Undang Tindak Pidana Pencucian Uang (UU TPPU) in 2011 and the Undang Undang Tindak Pidana Pendanaan Terorisme (UU TPPT) in 2013. However, this decreasing graph only occurred in the first few years after the enactment of the TPPU Law and the TPPT Law

# NON PROFIT ORGANIZATION

AND ITS ROLE IN TERRORIST FUNDING

Head of Badan Nasional Penanganan Terorisme, Komjen Boy Rafli Amar in 2022 stated that there's been a 101% **increase** of suspicious financial transactions. There are **crowd funding** activities in terrorist funding which have become a new threat during the pandemic.

Based on world giving index 2022, Indonesia is the most **generous country** in the world for **fifth** year in a row, with a total score of 68% meaning that Indonesia has the **highest rates of donating** and volunteering in the world.

These also supported by the facts that Indonesia's have a philanthropic **culture of collective actions** or known as "gotong royong" and Indonesia is the worlds **most populous** muslim-majority country.

In the most recent case between October to December 2020, the Densus 88 Anti Terror conducted a series of law enforcement operations to dismantle the JI source of funds, which allegedly originated from Lembaga Amil Zakat Abdur-Rahman Bin Auf (**LAZ-ABA**).

To fund the JI operations, this non-profit organization utilized approximately 13,000 charity boxes dispersed across several provinces in Indonesia. According to the confession of these arrested LAZ-ABA employee, the charity boxes were intended to finance terrorist activity, including purchasing weapons

In contrast, Kamarrudin Amin in Wardhana (2023), the General Director of Community Guidance for the Indonesian Ministry of Religion, stated that the Indonesian government **did not have a regulation addressing charity box fundraising.**

Kamarrudin stated that the government could only warn the community to be cautious and selective with their donations (BBCNewsIndonesia in Wardhana, 2023).

One of the reason why Indonesia terrorist group often use charity organization as their front organizations is because the making of these type of organizations can be considered more "**easy**" or "**loose**" compare to the other financial institutions.

These type of organizations (charity organizations) is also gain **public trust** easier compare to the other type of financial organizations/institutions.

They also use a relatively similar name to a big charity organizations, such as BAZ (Badan Amil Zakat) to **misleading / tricking** the public perspective.

In conclusion, **funding** plays an important role in terrorist groups, and we can all agree that the **most effective method** to eliminate a terrorist organisations is not by capturing its leader but by **severing its financial resources**.

In my perspective, terrorist organisation **can** always **find a new leader**, but it will be difficult for them to find a new source of income – and once we can find an effective way to cut their source of income then we can effectively wipe out the group



**THANKS**

For Your Attention